

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURTS
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 Muhammed Tillisy,

11 Plaintiff,

12 v.

13 Washington State Department of
14 Corrections et al.,

15 Defendants.

CASE NO. 3:18-cv-05695-RJB-JRC

ORDER

16 Plaintiff Muhammed Tillisy, proceeding *pro se* and *in forma pauperis*, filed this civil
17 rights complaint under 42 U.S.C. § 1983. Before the Court are two motions filed by plaintiff: (1)
18 motion to compel (Dkt. 62) and motion for extension (Dkt. 64).

19 The Court denies plaintiff's motion to compel because plaintiff failed to certify that he
20 conferred or attempted to confer with defendants' counsel prior to filing the motion. The Court
21 grants plaintiff's motion for extension and his response to defendants' motion for summary
22 judgment (Dkt. 49) shall be filed on or before October 21, 2019.
23
24

1 **A. Motion to Compel (Dkt. 62)**

2 Plaintiff requests that the Court compel defendants to produce certain documents.

3 Dkt. 62. Pursuant to Federal Rule of Civil Procedure 37(a)(1):

4 . . . On notice to other parties and all affected persons, a party may move for an
5 order compelling disclosure or discovery. The motion must include a certification
6 that the movant has in good faith conferred or attempted to confer with the person
7 or party failing to make disclosure or discovery in an effort to obtain it without
8 court action.

9 Here, plaintiff does not state that he conferred with defendants' counsel and he failed to
10 provide certification that he conferred with defendants' counsel prior to filing his motion to
11 compel. *See* Dkt. 62. According to the declaration of defense counsel, Michelle Young, plaintiff
12 has not attempted to schedule a meeting or telephone conference with counsel to discuss his
13 objections to the discovery requests. Dkt. 68 at ¶ 4.

14 Therefore, the Court finds that plaintiff has failed to comply with Fed. R. Civ. P.
15 37(a)(1). Accordingly, the motion to compel (Dkt. 62) is denied without prejudice.

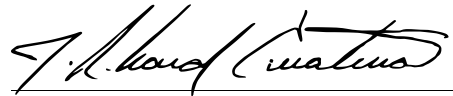
16 **B. Motion for Extension (Dkt. 64)**

17 Plaintiff seeks an additional sixty days to respond to defendants' motion for summary
18 judgment (Dkt. 49).¹ Dkt. 62. Plaintiff's response was due August 21, 2019. *See* Dkt. 49.
19 Defendants do not oppose plaintiff's request for an extension. Dkt. 73. Accordingly, the Court
20 finds that a sixty-day extension is reasonable. Plaintiff's deadline to respond to defendants'
21 motion for summary judgment is **extended to October 21, 2019**. Defendants' reply, if any, is
22 due on or before October 25, 2019. The Clerk is directed to re-note defendants' motion for
23 summary judgment (Dkt. 49) for October 25, 2019.

24 ¹ In his reply, plaintiff withdraws his request for a stay. Dkts. 64, 73.

1 The Court also notes that in his motion for extension filed on August 8, 2019, plaintiff
2 states that he did not receive a copy of defendants' motion for summary judgment, which was
3 filed on August 2, 2019. Dkt. 64; *see also* Dkt. 49. Plaintiff filed a notice of non-receipt of
4 defendants' motion for summary judgment and a letter indicating the same. Dkts. 65, 66. On
5 August 16, 2019, the Clerk's Office re-sent plaintiff a copy of defendants' motion for summary
6 judgment. *See* Dkt. 49 (modified on August 16, 2019); Dkt. 66 (noting defendants' motion for
7 summary judgment (Dkt. 49) was regenerated on August 16, 2019 for noticing purposes to
8 plaintiff). It appears that plaintiff is now in possession of defendants' motion for summary
9 judgment (Dkt. 49). If he is not, plaintiff may re-file a notice of non-receipt and the Clerk's
10 Office will again regenerate the filing and send to plaintiff.

11 Dated this 3rd day of September, 2019.

12
13 

14 J. Richard Creatura
15 United States Magistrate Judge
16
17
18
19
20
21
22
23
24